

REMARKS

Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration and allowance of the claims in view of the remarks presented below.

Claims 1, 4 and 39 have been amended, and claims 2 and 3 canceled. Thus, claims 1 and 4-39 are pending in the application.

The paragraph of the specification beginning at line 19 of page 9 of the application as originally filed was amended to correct inadvertent typographical errors. No new matter was added.

Claims 1-19, 22, 24-27, 29-33 and 27-38 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,211,964 to Luscombe et al. Applicants traverse this rejection.

Claim 1 has been amended to recite that the acoustic substrate contains a plurality of hollow microspheres. Contrary to the Examiner's assertion, Luscombe only discloses the use of foam to form voids in a central strength member. Nowhere in Luscombe is there any teaching, nor even a suggestion, of incorporating hollow microspheres into an acoustic substrate, as is claimed by Applicants in amended claim 1. Since it is well founded that for a reference to anticipate, it must disclose each and every element of a claim, Applicants respectfully submit that amended claim 1 is not anticipated by Luscombe.

Moreover, Luscombe teaches winding an optical fiber around a strength member which may be formed from a syntactic foam (col. 6, ll. 30-35) or solid rubber core (col. 6, ll. 43-44). Additionally, the optical fiber may wound around a layer of open cell foam (col. 7, ll. 50-51). Thus, the only material described used to provide voids is some form of foam. Those skilled in the art would not understand the disclosure of use of foam to be even suggestive of using hollow microspheres incorporated into a substrate to provide voids. Rather, skilled artisans would understand that completely different manufacturing processes must be used to form

the substrate material to incorporate hollow microspheres into Applicants acoustic substrate. A foam forms voids as a natural consequence of the curing or polymerization of the material. Hollow microspheres must be mixed into a material. For these reasons, Applicants submit that amended claim 1, and the dependent therefrom, are neither anticipated by, or rendered obvious in view of, the disclosures of Luscombe, and are therefore patentable. Applicants respectfully request the allowance of amended claim 1 and its dependent claims.

Claims 20-21, 23, 28, 34-36 and 39 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Luscombe as applied to the claims listed above. Since each of these claims ultimately depend on claim 1, this rejection should now be moot. Applicants respectfully request that it be withdrawn and the claims allowed.

CONCLUSION

Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented. In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should the Examiner have any questions concerning the above amendments and arguments, or any suggestions for further amending the claims to obtain allowance, Applicants request that the Examiner contact Applicants' attorney, John Fitzgerald, at 310-242-2667.

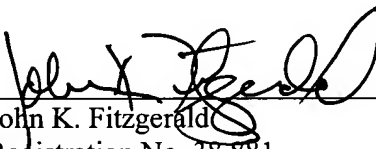
The Commissioner is authorized to credit any overpayment or charge any additional fees in this matter to our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Date: October 17, 2006

Respectfully submitted,

FULWIDER PATTON LLP

By: _____


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Enclosures

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